

REMARKS

In the Supplemental Final Office Action dated April 13, 2005, the Examiner allowed claims 2 and 3 and rejected claims 6-9 under 35 U.S.C. § 102 as allegedly anticipated by newly cited Japanese Pat. No. 01075252 ("Sugiura"). Applicant proposes to amend all claims for clarity of expression and does not intend to change the scope of the claims. Claims 2-3 and 6-9 are currently pending.

APPLICANT'S STATEMENT OF INTERVIEW SUBSTANCE

Applicant thanks the Examiner for the courtesy of a discussion regarding the finality of the Office action dated January 3, 2005,¹ and the need for a supplemental Office action clarifying the basis for rejecting claims 6-9 with Applicant's representative, Ms. Kristin Menon, on March 29, 2005. In that interview, Applicant's representative asked about the apparently incomplete rejection of claims 6-9 in the Final Office action dated January 3, 2004, over Sugiura in view of U.S. Patent No. 5,923,447 to Yamada ("Yamada"). The rejection mentioned Yamada, but did not discuss it. The Examiner agreed that a clarification was needed and that she would issue a supplemental Office action rejecting claims 6-9 under 35 U.S.C. § 102(b) as anticipated by Sugiura.

REJECTION UNDER 35 U.S.C. § 102

The Examiner rejected claims 6-9 under 35 U.S.C. § 102(b) as allegedly anticipated by Sugiura. Applicants respectfully traverse the rejection, because the Examiner has failed to show that each and every element or limitation is taught or suggested in Sugiura.

1 A copy of the pages sent by email to the Examiner are included as an attachment to this paper.

Sugiura teaches an apparatus for reproducing color images. In particular, Figure 1, to which the Examiner cites, discloses an apparatus for controlling the application of ink from ink jets (6) to paper (2) from a roll passing in front of the ink jets. Sugiura discloses that a different ink is applied to the paper depending on whether the data is trichromatic decomposed image data for a photograph or other continuously varying graphic (some combination of Y,M,C) or is the pattern developed data of black characters and symbols (K). Sugiura, Abstract. A single black ink (K) is applied to the paper when the data is for character and symbols in black, and a combination of colored inks (yellow, magenta, and cyan) is applied to the paper when the data is for “variable density image areas of a photograph or the like.” Sugiura, Abstract. When a combination of the plurality of colored inks is applied, the density may vary from thin (some combination of Y1, M1, C1) to thick ink (some combination of Y2, M2, C2). However, Sugiura does not teach or suggest all elements of any of Applicant’s claims.

To begin with, Sugiura does not disclose any color proof forming method that includes all the recited steps, including “exposing a color light sensitive material according to the [first and second] exposure data.” Claims 6-9 [as amended]. Sugiura discloses an apparatus that applies ink to paper. Nowhere in Sugiura is the paper described as paper that is sensitive to light. Moreover, there is no suggestion in Sugiura of using paper that is sensitive to light. Paper on which one intends to spray, jet, or otherwise apply ink does not need to be sensitive to light, because it is the ink that provides the color, not the light-sensitive paper after exposure to light. Applicant’s claims recite “a color light sensitive material.” Claims 2, 3, and 6-9. Sugiura clearly does not disclose or suggest at least the above recitations of the claims.

Second, Sugiura does not disclose or suggest any color proof forming method that includes a step of “forming first exposure data for the first image data in which black and another color overlap” Claims 6-9. Sugiura also does not disclose any method wherein a black character overlaps the color image or vice versa, nor does Sugiura disclose what type of ink (K or Y,M,C) would be applied when that occurs. Sugiura only states that a separate black ink is applied if a black character or symbol needs to be reproduced (K), and a plurality of colored inks are applied when variable density image areas need to be reproduced (Y1, M1, C1, for thin ink and Y2, M2, C2 for thick ink, as indicated in Fig. 2). Nowhere does Sugiura teach that either the set Y1, M1, C1 or the set Y2, M2, C2 are used to reproduce an image where black and another color overlap. To explain by example, Sugiura does not teach that any particular combination of the low and high density inks, Y1, Y2, M1, M2, C1, C2, (whether, for example, Y1, M2, C1, or Y1, M1, C2, or Y2, M1, C1) is used to reproduce black and green at the same location. Sugiura simply teaches that the thin ink is applied through use of Y1, M1, and C1, and thick ink is applied through use of Y2, M2, and C2, and that a combined set (Y1, Y2, M1, M2, C1, C2) is used to provide “high gradation in a variable density image area of photograph or the like.” Sugiura, Abstract. Moreover, there is no teaching or suggestion in Sugiura that K is used for black in any situation other than when the image to be reproduced is a black character or symbol. Thus, Sugiura does not disclose or suggest the invention defined by claims 6-9.

Applicant respectfully requests that this Amendment under 37 C.F.R. § 1.116, maintaining claims 2 and 3, and placing claims 6-9, in condition for allowance, be entered by the Examiner. Applicant submits that the proposed amendments of claims 2, 3, and 6-9 do not raise new issues or necessitate the undertaking of any additional

search of the art by the Examiner, since all of the elements and their relationships claims were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Furthermore, Applicant respectfully points out that the supplemental final action by the Examiner presented new arguments on new art against claims with substantially the same subject matter as previously examined. It is respectfully submitted that entering the Amendment would allow the Applicant to reply to the final rejection and place the application in condition for allowance.

Finally, Applicant submits that the entry of the Amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicant submits that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the references cited against this application. Applicant therefore requests the entry of the Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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